



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 5649-99
3 December 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 12 July 1977 at age 19. The record shows that on 13 October 1978 you received nonjudicial punishment for four periods of unauthorized absence totaling about 11 days and two instances of possession of drugs. Following the nonjudicial punishment, you were denied a drug exemption but were referred to a Navy drug rehabilitation center for treatment. Subsequently, you were hospitalized from 14 December 1978 until 25 January 1979. At the end of the hospitalization, you were found not to be drug dependent and physically qualified to remain on active duty.

Based on your drug abuse, you were processed for an administrative discharge. On 6 February 1979 you requested immediate discharge and acknowledged that the characterization of service would be determined by the Bureau of Naval Personnel (BUPERS). You were discharged on 6 February 1979.

In his letter to BUPERS the commanding officer stated, in part, as follows:

Illicit drug activities on board my command warranted

that he be separated. With reliable information that (he) was selling LSD and marijuana, I had him placed under observation by members of my staff. Upon confirmation that (he) was in fact dealing in drugs, I exercised my ... authority to (not) retain (him) on board my command.

Subsequently, BUPERS directed that you receive a general discharge. Your record now shows that you were issued a general discharge as of 6 February 1979.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, and contention, in effect, that your drug abuse should be excused because everyone was using drugs at the height of the Cold War. The Board found that these factors were not sufficient to warrant recharacterization of the general discharge given your record of misconduct, request for expeditious discharge, and especially the commanding officer's comments concerning your involvement in the sale of drugs. The Board believed that you were fortunate to have a general discharge since a discharge under other than honorable conditions was authorized. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director